IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33367 of 2007
CHANDI CHARAN SARKAR & ANR
Versus
STATE OF BIHAR & ANR
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6 3.12.2008 Seen the report sent by the learned Sub Divisional Judicial Magistrate, Patna.

From the report it appears that the learned counsel for the complainant has been divested of his powers by the complainant who has taken back the file from him and it also appears that she is absenting herself from the Court and has not been taking steps although the case is running for evidence of the complainant. It also appears that a petition has been filed by the defence for closing the case in view of her long standing absence from the Court.

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The learned Magistrate appears to have not passed any order on the petition since the offences alleged appear to be grievous in nature.

It appears that the cognizance has been taken under section 498A IPC and 3 / 4 Dowry Prohibition Act.

It is well settled that however grievous the accusation may be that does not give unbriddled and unfettered right to the complainant to continue the litigation as per her whims and fancy for there has to be an end when the complainant / prosecution evidence has to be closed. Allowing to lead evidence for indefinite period is not the prerogative of the complainant / informant. If the complainant has stopped taking and has also absented herself from appearing in Court and producing her witnesses, the court should not be loath to

withhold its hands.

In the aforesaid circumstances the court below is directed to take appropriate steps in the matter and pass orders in accordance with law.

Let this order be communicated to the court below through FAX.

(Abhijit Sinha, J.)

Spd/-

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